

**APPENDIX**

Sent to Governor

(February 28, 1979)

**S.B. 87**

**TWENTY-NINTH DAY**

(Thursday, March 1, 1979)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Absent-excused: Farabee, Parker, Truan.

A quorum was announced present.

Chaplain Gerald Mann, University Baptist Church, Austin, offered the invocation as follows:

Lord, as we face this busy day, remind us that we are more apt to be killed by worry than by work because we are more apt to worry than to work. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Doggett.

Senator Farabee was granted leave of absence for today on account of important business on motion of Senator Jones of Taylor.

Senator Parker was granted leave of absence for today on account of important business on motion of Senator Jones of Taylor.

**BILL AND RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

**S.B. 162  
H.C.R. 73**

**MESSAGE FROM THE HOUSE**

House Chamber  
March 1, 1979

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT  
THE HOUSE HAS PASSED THE FOLLOWING:

HB 765, A bill to be entitled An Act relating to the provision by a county of auxiliary courthouses, county office facilities, parking facilities, and civil or criminal justice facilities in a municipality designated as a county seat.

HB 980, A bill to be entitled An Act relating to an exception from the child labor law for certain apprentices and vocational students.

**S.B. 96** Relating to selection of practitioners under certain health insurance policies.

**S.B. 127** Amending Section 8(a) of Chapter 391, Page 1068, 65th Legislature Regular Session, 1977 (Art. 7244b, V.T.C.S.); and authorizing payment of all money received by the State Treasurer pursuant to Section 8, Chapter 391, Page 1068, 65th Legislature, Regular Session, 1977 (Art. 7244b, V.T.C.S.) in the manner and for the purposes stated therein. (Submitted by Governor as an emergency.) (With amendments)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**CO-AUTHOR OF SENATE BILL 350**

On motion of Senator Mauzy and by unanimous consent, Senator Longoria will be shown as Co-author of **S.B. 350**.

**CO-AUTHOR OF SENATE BILL 240**

On motion of Senator Mauzy and by unanimous consent, Senator Longoria will be shown as Co-author of **S.B. 240**.

**CO-AUTHORS OF SENATE BILL 307**

On motion of Senator Santiesteban and by unanimous consent, Senators Parker, Vale and Longoria will be shown as Co-authors of **S.B. 307**.

**REPORTS OF STANDING COMMITTEES**

Senator Jones of Taylor submitted the following report for the Committee on Finance:

**S.B. 569**  
**S.B. 454**

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

**S.B. 632**  
**H.B. 466**

Senator Schwartz submitted the following report for the Committee on Natural Resources:

**S.B. 444**  
**S.B. 514**  
**S.B. 616**  
**S.B. 646**  
**S.B. 583**

Senator Brooks submitted the following report for the Committee on Human Resources:

**S.B. 599**

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.B. 715** by Snelson Human Resources  
Relating to qualifications for the office of Commissioner of Mental Health and Mental Retardation.

**S.B. 716** by Snelson Human Resources  
Relating to qualifications for the executive director and the director of mental retardation of a community mental health and mental retardation center.

**S.B. 717** by Snelson Finance  
Authorizing the Comptroller to accept federal monies for agencies upon compliance with state and federal laws; amending Article 4344, Revised Civil Statutes of Texas, 1925.

**S.B. 718** by Longoria Intergovernmental Relations  
An Act defining the term "eligible city" as any city or town in this state, including home rule cities, whose corporate limits are within a distance of fifteen (15) miles from a river between the State of Texas and the Republic of Mexico, authorizing each eligible city to acquire, purchase, construct, improve, enlarge, equip, operate, and maintain any toll bridge or bridges or parts thereof, buildings, structures, activities, operations, or other facilities, for any public purpose; authorizing each eligible city to issue revenue bonds and notes for public purposes; providing the terms, conditions, payment, and security of said revenue bonds and notes, and liens, pledges, and encumbrances in connection therewith; providing for refunding bonds; enacting other provisions relating to the subject; prescribing a severability provision; and declaring an emergency.

**S.B. 719** by Longoria Economic Development  
Relating to licensing of labor agents; amending Section 2, Subsections B, D and E of Section 3, Section 3C, 5, 5A and 7, Subsection (e) of Section 7a, Section 11 and 12, and omitting Section 4, Chapter 234, Acts of the 51st. Legislature, Regular Session, 1949, (Article 5221a-5, Vernon's Texas Civil Statutes), as amended by the 64th. Legislature, Regular Session, 1975 and declaring an emergency.

**S.B. 720** by Williams Jurisprudence  
Relating to the liability of officers and judgment creditors for execution of a writ of a court.

**S.B. 721** by Jones of Harris Human Resources  
Relating to warranty of habitability of a residential unit and prohibiting retaliatory conduct.

**S.B. 722** by Clower Natural Resources  
Relating to regulation of certain natural gas pipelines as common carriers.

**S.B. 723** by Jones of Taylor, Clower State Affairs  
Relating to notice of propositions to be submitted on the primary election ballot of a political party.

**S.B. 724** by Jones of Taylor Economic Development  
Relating to the authority of certain insurers to invest in obligations, certificates, and other instruments of transportation companies.

**S.B. 725** by Mauzy, Doggett State Affairs  
Relating to the civil liability of a mixed beverage permittee who sells or gives an alcoholic beverage to an intoxicated person; adding Section 17c to Article I, Texas Liquor Control Act, as amended (Article 666-1, et seq., Vernon's Texas Penal Auxiliary Laws).

**S.B. 726** by Parker Education  
Relating to a survey of public school libraries.

**S.B. 727** by Meier Education  
Relating to transfer of the Texas College of Osteopathic Medicine to The University of Texas System.

**S.B. 728** by Meier State Affairs  
Relating to truth in campaigning.

**S.B. 729** by Farabee Intergovernmental Relations  
Relating to the creation, establishment, administration, maintenance, operation, and financing of the Hardeman County Hospital District of Hardeman County, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

**S.B. 730** by Mauzy Education  
Relating to the provision of full-day kindergarten; and declaring an emergency.

**S.B. 731** by Mauzy Education  
Relating to the funding of driver education programs; and declaring an emergency.

**S.B. 732** by Williams Finance  
Relating to the exemption of buildings of certain veterans' organizations from taxation; amending Section 20, Article 7150, Revised Civil Statutes of Texas, 1925, as amended.

**S.B. 733** by Brooks Human Resources  
Relating to procedures for obtaining a psychological or psychiatric examination of an abused child.

**S.B. 734** by Brooks Economic Development  
Relating to the valuation and depreciation of certain state bank property.

**S.B. 735** by Brooks Human Resources  
Relating to the treatment of sex offenders.

**S.B. 736** by Doggett, Mauzy Education  
Relating to the authority of the Board of Regents, Texas State University System, to manage and control real property acquired by universities under its authority and to accept donations, gifts, grants and endowments for the universities under its authority.

**S.B. 737** by Santiesteban Natural Resources  
Relating to leasing of certain tracts of public school land.

**S.B. 738** by Mauzy Education  
Amending section 21.031 of the Texas Education Code, relating to tuition charges for children who are not citizens of the United States or legally admitted aliens.

**S.B. 739** by Mauzy Education  
Relating to the manufacture of braille materials; amending Section 1(a), Chapter 86, Acts of the 47th Legislature, Regular Session, 1941, as added (Article 9007, Vernons Texas Civil Statutes).

**S.B. 740** by Snelson State Affairs  
Raising the payment to the voter registrar and extending payment to registrations cancelled on the struck list.

**S.B. 741** by Snelson State Affairs  
Extending the time period for mailing new certificates to voters and eliminating the list sent to the Secretary of State prior to the succeeding January 15 of persons whose voter registrations were cancelled under this section.

**S.B. 742** by Snelson Finance  
Relating to the taxation of certain buses and repair and replacement parts for certain buses.

**S.B. 743** by Harris Economic Development  
Relating to insurance practices.

**S.B. 744** by Williams Intergovernmental Relations  
Relating to assignment pay for certain firefighters.

**S.B. 745** by Snelson Education  
Relating to education of handicapped students in public schools.

**S.B. 746** by Schwartz Natural Resources  
Relating to the designation of Regional Historical Resources Depositories.

**S.J.R. 41** by Williams Finance  
Proposing an amendment of Article VIII, Section 2, of the Texas Constitution, to provide for exemption of nonresidential buildings of veterans' organizations from taxation.

**S.C.R. 36** by Mauzy Education  
Directing State Board of Education and appropriate interim committees to undertake state-wide study of curriculum for Texas public schools.

### **HOUSE BILLS ON FIRST READING**

The following bills received from the House were read the first time and referred to the Committee indicated:

**H.B. 686**, To Committee on Human Resources.

**H.B. 408**, To Committee on State Affairs.

### **CONSIDERATION OF NOMINATIONS**

The President announced that the time had arrived for the Senate to consider the nominations to agencies, boards and commissions. (Notice of submission of these names having been given by Senator McKnight on yesterday.)

### **EXECUTIVE SESSION**

Senator McKnight moved the Senate meet in Executive Session to consider the nominations.

The motion prevailed.

Accordingly, the President at 11:15 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

### **IN LEGISLATIVE SESSION**

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 11:30 o'clock a.m. today.

### **REPORT OF STANDING COMMITTEE**

Senator McKnight submitted the following report for the Committee on Nominations:

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR SESSION:

We, your Subcommittee on Nominations, to which were referred the attached appointments, have had same under consideration and beg to report them back to the Senate with the recommendation that they be confirmed.

To be a Member of the BOARD OF DIRECTORS, UNIVERSITY SYSTEM OF SOUTH TEXAS: Joe Bishop, Tarrant County.

To be Members of the BOARD OF REGENTS, TEXAS TECH UNIVERSITY: J. Fred Bucy, Dallas County; B. Joe Pevehouse, Midland County; Dr. Nathan C. Galloway, Jr., Ector County.

To be a Member of the STATE SECURITIES BOARD: John W. Turner, Dallas County.

To be a Member of the BOARD OF DIRECTORS, BRAZOS RIVER AUTHORITY: Harry H. Moore, Grimes County.

To be a Member of the ADVISORY BOARD OF ATHLETIC TRAINERS: Wilford Frank Pickard, Jr., Brazos County.

To be a Member of the TEXAS CONSERVATION FOUNDATION: Tony Kunitz, San Patricio County.

Senator McKnight moved confirmation of the nominees reported by the Subcommittee on Nominations.

The President asked if there were requests to sever nominees.

Senator Andujar requested that Mr. Joe Bishop, to be a Member of the Board of Directors of University System of South Texas be severed.

The request was granted.

#### **NOMINEES CONFIRMED**

The nominees as reported and not severed by the Subcommittee on Nominations were confirmed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Parker, Truan.

#### **COMMITTEE SUBSTITUTE SENATE BILL 168 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 168**, Relating to forfeiture of money derived from violations of the Texas Controlled Substances Act and designating authorized recipients of forfeited property; amending Sections 5.03(a), 5.06, 5.07, and 5.08(b) and (c), Texas Controlled Substances Act, as amended (Article 4476-15, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 168  
ON THIRD READING**

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 168** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Schwartz.

Absent-excused: Farabee, Parker, Truan.

The bill was read third time and was passed.

**SENATE BILL 427 ON SECOND READING**

On motion of Senator Mauzy and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 427**, Relating to jurisdiction of the municipal courts; amending Article 1195, Revised Civil Statutes of Texas, 1925; amending Article 4.14, Code of Criminal Procedure, 1965; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**SENATE BILL 427 ON THIRD READING**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 427** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Schwartz.

Absent-excused: Farabee, Parker, Truan.

The bill was read third time and was passed.

**SENATE BILL 538 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 538**, Relating to compensation of members of the State Soil and Water Conservation Board.

The bill was read second time and was passed to engrossment.



**SENATE BILL 538 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 538** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Schwartz.

Absent-excused: Farabee, Parker, Truan.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Schwartz.

Absent-excused: Farabee, Parker, Truan.

**SENATE CONCURRENT RESOLUTION 27 ON SECOND READING**

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time:

**S.C.R. 27**, Expressing support for the efforts to abolish the national speed limit of 55 miles per hour.

The resolution was read second time and was adopted.

**RECORD OF VOTES**

Senators Doggett and Mauzy asked to be recorded as voting "Nay" on the adoption of the resolution.

**SENATE BILL 543 ON SECOND READING**

Senator Short asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

**S.B. 543**, Relating to conditions for sale of certain public land.

There was objection.

Senator Short then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 543** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Price, Santiesteban, Short, Snelson, Traeger, Vale, Williams.

Nays: Patman.

Absent: Mauzy, Schwartz.

Absent-excused: Farabee, Parker, Truan.

The bill was read second time and was passed to engrossment.

### **RECORD OF VOTES**

Senators Doggett and Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

### **SENATE BILL 543 ON THIRD READING**

Senator Short moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 543** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1. (Same as previous roll call)

The bill was read third time and was passed by the following vote: Yeas 24, Nays 2.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Price, Santiesteban, Short, Snelson, Traeger, Vale, Williams.

Nays: Doggett, Patman.

Absent: Mauzy, Schwartz.

Absent-excused: Farabee, Parker, Truan.

### **MEMORIAL RESOLUTIONS**

**S.R. 174** - By Schwartz: Memorial resolution for Robert Wilbur Goodman.

**S.R. 176** - By Doggett: Memorial resolution for William M. Zuendt.

### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.C.R. 37** - By Schwartz: Extending congratulations to Rankin L. DeWalt.

**S.C.R. 38** - By Brooks: Extending congratulations to Texas Department of Health for 100 years of service.

**S.R. 175** - By Santiesteban: Extending congratulations to Richard P. Dozier.

**S.R. 178** - By Schwartz: Extending welcome to students from Trinity Episcopal School, Galveston.